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8 and JT REALTY INC.

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10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION**
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13 TIMOTHY D. MARTIN, an individual;
and JT REALTY INC., a California
14 corporation,

15 Plaintiffs,

16 v.

17 RONALD SNYDER, an individual;
BENEFIT STRATEGIES GROUP,
18 LLC, a Utah limited liability company;
and DOES 1 through 20, inclusive,

19 Defendants.
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Case No. 8:22-cv-01154-DOC-KES

**PLAINTIFFS' RESPONSE TO THE
COURT'S OSC RE DISMISSAL
FOR LACK OF PROSECUTION**

The Hon. David O. Carter, Ctrm. 10A

Date Action Filed: June 13, 2022
Trial Date: None Set

1 Plaintiffs TIMOTHY D. MARTIN and JT REALTY INC. (“Plaintiffs”)
2 submit this response to the Court’s July 19, 2022 Order to Show Cause re Dismissal
3 for Lack of Prosecution (“OSC”). (ECF No. 17). In the Court’s OSC, it ordered
4 Plaintiffs’ counsel “to submit a response in writing no later than **July 25, 2022** to
5 show cause why this action should not be dismissed for lack of prosecution.” That
6 same day, Plaintiffs filed a Request for Entry of Default as to Defendant BENEFIT
7 STRATEGIES GROUP, LLC (“BSG”) (ECF No. 18), with accompanying
8 Declaration of Janice P. Brown (ECF No. 18-1), on the grounds that BSG has not
9 appeared in this action nor has it responded to Plaintiffs’ complaint within the time
10 allowed. (ECF No. 18-1, ¶¶ 7-8.)

11 On July 13, 2022, Defendant RONALD SNYDER (“Snyder”) filed a Notice
12 of Bankruptcy, (ECF No. 15), advising the Court that he filed a petition under
13 Chapter 13 of the United States Bankruptcy Code. Under Chapter 13, all claims
14 against Snyder in this action are now stayed.

15 Plaintiffs served BSG with the complaint on June 23, 2022, by substituted
16 service. (ECF No. 13.) Accordingly, BSG’s responsive pleading deadline was July
17 14, 2022. To date, a responsive pleading has not been filed on behalf of BSG.
18 Further, Snyder’s Notice of Bankruptcy does not prevent Plaintiffs from submitting
19 a Request for Entry of Default against BSG, as Snyder’s bankruptcy petition applies
20 only to Snyder and his co-debtors for consumer debt. 11 U.S.C. § 101 (defining
21 consumer debt as “[d]ebt incurred by an individual primarily for personal, family or
22 household purposes”); 11 U.S.C. § 1301. Plaintiffs filed their Request for Entry of
23 Default as to BSG (ECF No. 18) on July 19, 2022 and received notice of entry of the
24 Default by Clerk on July 20, 2022. (ECF No. 19.)

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1 For the foregoing reasons, Plaintiffs respectfully request that the Court refrain
2 from taking further action to dismiss this action for lack of prosecution.

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4 DATED: July 20, 2022

MEYERS NAVE

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7 By: /s/ Janice P. Brown

JANICE P. BROWN

CORRIN M. JOHNSON

KIANA M. CATON

Attorneys for Plaintiffs

10 TIMOTHY D. MARTIN

11 and JT REALTY INC.

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of July, 2022, I electronically filed the foregoing with the Clerk of the Court using the Court's CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Janice P. Brown
Janice P. Brown

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